

STATE OF INDIANA ) IN THE MARION CIRCUIT/SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. \_\_\_\_\_

000120603M1011008

STEVE CARTER,  
INDIANA ATTORNEY GENERAL,

Petitioner,

v.

LIBERTY PUBLISHING, INC.,  
also doing business as  
BOOSTER CLUB PRODUCTIONS,

Respondent.

FILED

115

MAR 16 2005

*Diana Ann Snodden*  
CLERK OF THE  
MARION CIRCUIT COURT

**PETITION TO ENFORCE CIVIL INVESTIGATIVE DEMAND**

Attorney General Steve Carter, by Deputy Attorney General Terry Tolliver,  
petitions the Court, pursuant to Indiana Code § 4-6-3-6, for an order to enforce a Civil  
Investigative Demand.

**RESPONDENT**

1. The Respondent, Liberty Publishing, Inc., is an Illinois corporation, also  
doing business as Booster Club Productions, and solicits businesses throughout the State  
of Indiana, including businesses located in Hamilton, Hendricks, and Marion County, to  
purchase advertising space on posters displaying the schedules of local high school  
athletic teams, by representing the proceeds would go to support those local high school  
athletic teams.

## FACTS

2. At least since December 29, 2004, the Respondent has engaged in the solicitation of advertising space on posters displaying the schedules of local high school athletic teams.

3. Due to information provided in consumer complaints, the Attorney General has reason to believe the Respondent may be in possession, custody, or control of documentary material, and may have knowledge of facts that are relevant to an investigation being conducted to determine whether the Respondent has violated the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(1), by misrepresenting the sponsorship, approval, characteristics, or benefits of a consumer transaction and Ind. Code § 24-5-0.5-3(a)(7), by misrepresenting the Respondent has a sponsorship, approval, or affiliation in a consumer transaction.

4. Pursuant to Ind. Code § 4-6-3-3, the Attorney General served Civil Investigative Demand 05-038 ("CID") upon the Respondent by first-class mail on December 6, 2005. Attached and incorporated by reference as Exhibit "A" is a true and accurate copy of the CID served upon the Respondent.

5. On February 13, 2006, the Attorney General received the Respondent's response. In its response, the Respondent objected to the CID, and failed to respond, or otherwise responded in an incomplete or evasive manner, to several of the Interrogatories and Requests for Production of Documents. Attached and incorporated by reference as Exhibit "B" is a true and accurate copy of the Respondent's response to the CID.

6. On February 14, 2006, Deputy Attorney General Terry Tolliver, on behalf of Attorney General Steve Carter, contacted the Respondent's counsel, Kurt A. Webber, via Facsimile and U.S. Mail and requested a complete response to the CID by February 17, 2006. Attached and incorporated by reference as Exhibit "C" is a true and accurate copy of this letter requesting a complete response to the CID.

7. On February 16, 2006, the Respondent's counsel, Kurt A. Webber, responded to the Attorney General's request for a complete response to the CID and again refused to provide any additional information to assist the Attorney General in his investigation. Attached and incorporated by reference as Exhibit "D" is a true and accurate copy of the Respondent's response to the Attorney General's request for a complete response.

8. The Respondent has failed to fully respond to the CID, and its refusal to do so is in bad faith.

9. Pursuant to Ind. Code § 4-6-3-6, if a person objects or fails to obey a Civil Investigative Demand, the Attorney General may file an application for an order to enforce the Demand in a Circuit or Superior Court in the County in which the Respondent resides, or maintains a principal place of business within the state.

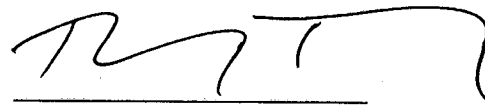
#### **RELIEF**

**WHEREFORE**, the Attorney General, requests the Court set this petition for hearing and following such hearing, enter an order requiring the Respondent to answer the Civil Investigative Demand, to pay the Office of the Attorney General its reasonable costs of investigation including attorneys' fees, and all other proper relief.

Respectfully submitted,

STEVE CARTER  
Indiana Attorney General  
Attorney No. 4150-64

By:



Terry Tolliver  
Deputy Attorney General  
Atty. No. 22556-49

Indiana Office of the Attorney General  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204-2794  
Telephone: (317) 233-3300

STATE OF INDIANA  
ATTORNEY GENERAL  
STEVE CARTER

December 6, 2005


Michael D. Efting  
Liberty Publishing, Inc.  
114 Liberty Avenue  
Morton, IL 61550

Re: Civil Investigative Demand 05-038

Dear Mr. Efting:

Enclosed please find a Civil Investigative Demand regarding Liberty Publishing, Inc. If you have any questions, please contact Terry Tolliver directly at 317-233-3300.

Sincerely,

  
Melissa D. Guffey  
Paralegal for Terry Tolliver  
Deputy Attorney General  
Consumer Protection Division



**DIVISION OF CONSUMER PROTECTION**  
INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR  
302 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770  
TELEPHONE (317) 232-6330 • (800) 382-5516

**EXHIBIT**

A

**OFFICE OF THE INDIANA ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION**

IN RE: LIBERTY PUBLISHING, INC.,     )  
  )  
  )     CIVIL INVESTIGATIVE  
  )  
  )     DEMAND NO. 05-038  
  )  
  )     Respondent.

THE ATTORNEY GENERAL TO:

**Michael D. Efting  
Liberty Publishing, Inc.  
114 Liberty Avenue  
Morton, IL 61550**

**CIVIL INVESTIGATIVE DEMAND**

Attorney General Steve Carter, pursuant to the provisions of Indiana Code § 4-6-3-3, states he has reasonable cause to believe you may be in possession, custody, or control of documentary material, or may have knowledge of a fact relevant to an investigation being conducted by the Consumer Protection Division. This investigation seeks to determine whether Liberty Publishing, Inc. has violated the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1-1, *et seq.*, by misrepresenting an affiliation with local schools when soliciting Indiana businesses to purchase advertising on booster club materials and representing the proceeds of such sales would benefit the school and/or school corporation.

The Attorney General demands you, your representative, or your agent respond to this Civil Investigative Demand by providing answers to the attached Interrogatories and responses to the Requests for Production of Documents.

You are to appear at the Office of the Attorney General, Consumer Protection Division, 402 West Washington Street, Indiana Government Center South, 5th floor, Indianapolis, Indiana on December 19, 2005, at 10:00 a.m., or at such time as may be

agreed upon, to respond to the questions contained in this Civil Investigative Demand, and to bring with you, produce and allow the Attorney General, by Deputy Attorney General Terry Tolliver, to inspect, photocopy, and transcribe any and all information requested in the attached Interrogatories and Request for Production of Documents.

WITNESS my hand and seal of the Office of the Attorney General, State of Indiana, this 28<sup>th</sup> day of November, 2005.

STEVE CARTER  
Indiana Attorney General  
Attorney no. 4150-64

By: 

David A. Paetzmann  
Deputy Attorney General  
Attorney No. 6392-23

**Please direct your response and all inquiries related to this Civil Investigative Demand to:**

Terry Tolliver  
Deputy Attorney General  
Office of the Attorney General  
302 West Washington Street  
Indiana Government Center South, 5th Floor  
Indianapolis, IN 46204  
(317) 233-3300  
ttolliver@atg.state.in.us

## *I. INSTRUCTIONS*

A. Answer each interrogatory separately and fully in writing and under oath. In answering the interrogatories, furnish all information available to you, regardless of how that information was obtained, and regardless of whether such information may be hearsay. Include information known by, or in the possession of, you; information known by, or in the possession of, your officers, employees, agents, or attorneys; and information appearing in your records.

B. If you cannot answer the following interrogatories fully and completely after exercising due diligence to secure all requested information, then answer each to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and detailing your attempts to secure the unknown information.

C. A question that seeks information contained in or about any document, or that seeks the identification of any document, may be answered by providing a copy of such document for inspection and copying, or by furnishing a copy of such document.

D. Your reply to each interrogatory should include attachments of as many pages as necessary to fully and completely respond, and should be identified by the number corresponding to each interrogatory as set forth below.

## *II. DEFINITIONS*

As used in these Interrogatories and Requests for Production, the following terms have the following meanings, unless otherwise defined by a specific interrogatory or request:



A. "Document" means any written, printed, typed, or other graphic or photographic representation or reproduction of any nature, any electronic representation or communication, and any audio or video recordings in your possession, custody, or control, or known by you to exist or to have existed. All copies of documents containing any alterations or annotations, or that differ in any other way from the originals or copies referred to in the preceding sentence, are deemed separate documents from the originals or copies.

B. "Person" includes any individual, corporation, partnership, group, association, government entity, or any other organization.

C. "You" or "your" means Liberty Publishing, Inc. or Booster Club Productions, and any and all of their employees, agents, and representatives acting within the scope of their employment.

D. "Booster Club" shall mean an organization consisting primarily of parents, faculty members, school administrators, local businesses, and members of the community established to raise funds used in promoting and supporting the academic and athletic programs of the school.

E. "Booster Club Materials" shall include those materials, including, but not limited to, books, calendars, posters, and schedules, marketed toward an organization consisting primarily of parents, faculty members, school administrators, local businesses, and members of the community established to raise funds used in promoting and supporting the academic and athletic programs of the school.

3. Since January 1, 2005, please state the number of contracts you, or any business or entity identified by you in response to Interrogatory number two (2), have entered into with Indiana schools and/or school corporations authorizing you to solicit the sale of advertisements placed in your booster club materials on behalf of the Indiana school and/or school corporation, and for each contract, state the following:

- a. The name and title of your project coordinator and/or agent who initiated the transaction;
- b. The date of the contract;
- c. The contract price;
- d. The name, address, and telephone number of the Indiana school and/or school corporation with whom you contracted;
- e. The date(s) you produced the materials;
- f. The locations you distributed the materials;
- g. The total amount of revenue generated by the sale of the booster club materials;
- h. The amount of proceeds from the sale of the booster club materials distributed to the Indiana school and/or school corporation;
- i. How you determined the amount to distribute to the Indiana school and/or school corporation;
- j. The date(s) you distributed those funds to the Indiana school and/or school corporation; and
- k. The current balance currently owed to each Indiana school and/or school corporation.

**ANSWER:**

4. Since January 1, 2005, please state the number of contracts you, or any business or entity identified by you in response to Interrogatory number two (2), have entered into with Indiana businesses for the sale of advertisements in your booster club materials, and for each contract, state the following:

- a. The name and title of the project coordinator and/or agent who initiated the transaction;
- b. The date of the contract;
- c. The contract price;
- d. The name, address, and telephone number of the Indiana business with whom you contracted;
- e. The date(s) you produced the materials; and
- f. The locations you distributed the materials.

**ANSWER:**

**I affirm, under penalty of perjury, that the above representations are true to the best of my knowledge and belief.**

Liberty Publishing, Inc.

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce a copy of any and all contracts entered into by Liberty Publishing, Inc. with those Indiana schools and/or school corporations identified by you in response to Interrogatory two (2).
2. Please produce a copy of any and all contracts entered into by Liberty Publishing, Inc. with those Indiana businesses identified by you in response to Interrogatory three (3).
3. Please produce any and all records identifying the sources of all revenue generated from the sale of advertisements to Indiana businesses for placement on booster club materials.
4. Please produce any and all records showing proof of each payment to those Indiana schools and/or school corporations, as identified by you in response to Interrogatory three (3).
5. Please produce a copy of any and all documents identified, referenced, or otherwise relied upon by you in formulating a response to any of the above Interrogatories not already supplied pursuant to these Requests for Production.

KURT A. WEBBER, P.C.  
ATTORNEY AT LAW

11805 N. PENNSYLVANIA ST. SUITE 104  
CARMEL, INDIANA 46032

TELEPHONE: (317) 891-0616  
FAX: (317) 891-0453

February 13, 2006

Terry Tolliver  
Deputy Attorney General  
Office of the Indiana Attorney General  
Consumer Protection Division  
Indiana Government Center South, Fifth Floor  
302 West Washington Street  
Indianapolis, IN 46204-2770

Re: Liberty Publishing, Inc.  
Civil Investigative Demand 05-038

Dear Mr. Tolliver:

As you know, I recently assumed the representation of Liberty Publishing, Inc. d/b/a Booster Club Productions ("Liberty") concerning the Civil Investigative Demand 05-038 (the "Demand") issued by the Office of the Indiana Attorney General ("AG") because Ice Miller, LLP apparently had a conflict. This letter serves as Liberty's response.

Liberty sells advertising space on posters displaying the schedules of high school athletic teams to interested businesses. In the spirit of community service, Liberty contributes to the high school athletic programs in areas where it successfully sells advertising. None of Liberty's advertising customers is a consumer within the definition of the Indiana Deceptive Consumer Sales Act (the "DCSA"), I.C. § 24-5-0.5-1, et seq.

Authority of Indiana Attorney General

Upon reviewing the Demand, one quickly notes that the AG is operating under the mistaken assumption that Liberty regularly engages in or solicits consumer transactions and is, therefore, a supplier under the DCSA. See I.C. § 24-5-0.5-2(a)(3)(A). Liberty

EXHIBIT

B



February 13, 2006

does not engage in, or solicit any business from, consumers<sup>1</sup> and, therefore, none of its activities can be considered the "subject of a consumer transaction". See I.C. § 24-5-0.5-2(a)(4). Accordingly, Liberty is not subject to the DCSA. More specifically, the AG lacks any authority to issue the Demand or pursue litigation to compel compliance therewith.

The consumer protection division of the AG has the "power to investigate any written consumer complaint made by a nonmerchant arising from a transaction between a merchant . . . and a nonmerchant . . ." See I.C. § 4-6-9-4(a)(1). Reviewing the face of the Demand, one quickly discerns that no complaint has originated from a transaction between a merchant (i.e., Liberty) and a nonmerchant. "[T]he office of the Attorney General was created by statute and is not a constitutional office." See State v. Rankin, 260 Ind. 228, 230, 294 N.E.2d 604, 605 (1973); State v. Johnson County Jail Bldg. Corp., 437 N.E.2d 477, 479 n.4 (Ind. Ct. App. 1982). "The office . . . is one of delegated powers." Davis v. Pelley, 230 Ind. 248, 252, 102 N.E.2d 910, 912 (1952); accord Young v. Niblack, 229 Ind. 596, 605, 99 N.E.2d 839, 842 (1951). As a result, the AG derives authority only via statute. See State v. Rankin, 260 Ind. at 230, 294 N.E.2d at 605; Johnson County Jail Bldg. Corp., 437 N.E.2d at 479 n.4. "The Attorney General . . . has no rights, powers or duties except those granted by the statute or necessarily implied to carry out an express power." Public Serv. Comm'n v. Johnson Cir. Ct., 232 Ind. 501, 509 112 N.E.2d 429, 432 (1953). When a public officer derives power and authority solely from a statute, unless a grant of power and authority can be found in the statute, it must be concluded that there is none. See Young, 229 Ind. at 602, 99 N.E.2d at 841. By way of example, the AG may not represent a local sheriff in civil habeas corpus proceedings because the legislature has not delegated such authority to the AG. See Winn v. Fields, 247 Ind. 589, 591, 219 N.E.2d 896, 899 (1966); Pelley, 230 Ind. at 252-53, 102 N.E.2d at 912.

A consumer transaction must occur before a deceptive act can trigger application of the DCSA. See State v. Classic Pool & Patio, Inc., 777 N.E.2d 1162, 1165 (Ind. App. Ct. 2002). In the instant matter, the AG clearly does not have authority to pursue the Demand because a consumer transaction has not occurred. A business transaction does not fall within the purview of the deceptive consumer sales act. See e.g., Ludl Electronics Products, Ltd. v. Wells Fargo Financial Leasing, Inc., 775 N.Y.S.2d 59, 60 (N.Y. Sup. Ct., App. Div. 2004) (interpreting New York law), leave to appeal den., 816 N.E.2d 569 (N.Y. Ct. App. 2004); Rich Products Corp. v. Kemutec, Inc., 66 F.Supp.2d 937, 982 (E.D. Wis. 1999) (interpreting New York law), aff'd, 241 F.3d

<sup>1</sup> To the extent one erroneously concludes school corporations or affiliated booster clubs are Liberty's customers, these entities are not consumers under the DCSA.

February 13, 2006

915 (7<sup>th</sup> Cir. 2001), reh'g den. and reh'g en banc den.; Garza v. Bancorp Group, Inc., 955 F.Supp. 68, 72 (S.D. Tex. 1996) (interpreting Texas law); and Christensen v. Numeric Micro, Inc., 503 N.E.2d 558, 563 (Ill. Sup. Ct. 1987) (interpreting Illinois law).

Moreover, based upon our telephone conversations on February 10 and 13, 2006, I understand the only complaints to the AG have come from school corporations. In addition to not being Liberty's customers, school corporations are not consumers under the DCSA and cannot be represented by the AG. "[T]here is nothing in the statutes authorizing or empowering the Attorney General to represent the school corporations of the state in this sort of action . . . ." See Young, 229 Ind. at 605, 99 N.E.2d at 842; accord Ind. State Toll-Bridge Comm'n v. Minor, 236 Ind. 193, 200, 139 N.E.2d 445, 449 (1957).

Nevertheless, Liberty wants to relieve any concerns the AG has regarding Liberty's business practices if the AG's investigation does not create undue burden or expense for Liberty.

#### Voluntary Information

In the interest of relieving any unfounded concerns the AG may have, Liberty voluntarily discloses the following sample of the type of poster upon which it sells advertising:





February 13, 2006

In 2005, Liberty produced approximately 85 football schedules for Indiana schools but did not contract with any school corporation or other party except its business advertisers.

Public Records Request

Liberty always welcomes feedback from school corporations. Accordingly, pursuant to the Indiana Access to Public Records Act, Indiana Code § 5-14-3-1, et seq., Liberty hereby requests to inspect and copy any and all complaints filed with the AG and any other public records in the AG's possession, custody, and control concerning Liberty.

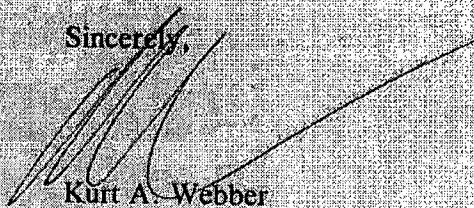
Conclusion

Thank you for allowing me time to prepare this letter in response to the Demand before pursuing litigation. In the interest of conserving valuable public resources, I hope the AG decides litigation is unwarranted. As a courtesy to Liberty, please confirm in writing that the Demand is being withdrawn at your earliest opportunity.

Please be advised that the information conveyed in this letter is based upon information provided by my client, Liberty, and third parties and should not be interpreted as a representation by me, individually, or my firm, Kurt A. Webber, P.C.

Should the AG pursue litigation, please provide me with a courtesy copy of the complaint and summons and inform the Court Liberty would like to be heard in opposition to the Demand.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kurt A. Webber', is written over a horizontal line.

Kurt A. Webber

cc: Michael D. Efting



STATE OF INDIANA  
ATTORNEY GENERAL  
STEVE CARTER

VIA FACSIMILE (317) 891-0453 AND U.S. MAIL

February 14, 2006

Re: CID No. 05-038

Kurt A. Webber  
Attorney at Law  
11805 North Pennsylvania Street, Suite 104  
Carmel, IN 46032

Dear Mr. Webber:


I am writing in response to your letter of February 13, 2006. In response to your request, I have enclosed the copies of the complaints the Office of the Attorney General has received against your client, Liberty Publishing, Inc. Turning to your analysis, I respectfully disagree with your client's position and ask that it reconsider. A review of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1-1, *et seq.*, will show that the Act does apply to your client and its activities.

Your client was initially served with the CID on December 6, 2005. As such, your client has had ample time to respond to the CID, yet continues to ignore the Attorney General's demand. The sample poster provided by your client is not responsive. At a minimum, the Attorney General requires copies of the Eighty-Five (85) Football Schedules you reference in your letter, as well as your client's contracts with its business advertisers.

If I do not receive a complete response to the CID by **Noon, Friday, February 17, 2006**, I will file a Petition to Enforce and seek a Court Order requiring your client to comply with the Attorney General's demand. In seeking this Court Order, I also intend to seek costs, as I consider your client's refusal to cooperate to be in bad faith.

Should you have any questions or concerns, please feel free to contact me at (317) 233-3300. You may also respond to the CID via Facsimile, (317) 233-4393, or E-mail, [ttolliver@atg.state.in.us](mailto:ttolliver@atg.state.in.us). I thank you for your client's anticipated cooperation.

Sincerely,

  
Terry Tolliver  
Deputy Attorney General  
Consumer Protection Division

Enclosures (3)



DIVISION OF CONSUMER PROTECTION  
INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR  
302 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770  
TELEPHONE (317) 232-6330 • (800) 382-5516

EXHIBIT

C



RECEIVED

NOV 01 2005

STEVE CARTER  
Indiana Attorney GeneralATTORNEY GENERAL OF INDIANA  
CONSUMER PROTECTION

## CONSUMER COMPLAINT FORM

To prevent delay, please be sure to complete both sides of this form in full. Please print clearly or type. DO NOT include your Social Security Number on this form or in any accompanying documents.

<b>1. Your Information</b>		<b>2. Who Is Your Complaint Against?</b>	
<input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.			
Name <u>Doug Mattox</u>		Name/Firm <u>Liberty Publishing</u>	
Address <u>7156 Fox Hollow Lane</u>		Address <u>PO Box 671</u>	
City <u>Brownsburg</u> State <u>IN</u>		City <u>Pekin</u> State <u>IL</u>	
Zip <u>46112</u> County <u> Hendricks</u>		Zip <u>61555</u> County <u>          </u>	
Phone <u>(317) 858-0430</u> Day		Phone <u>(309) 671-9236</u>	
<u>(317) 858-0430</u> Evening		Email <u>                                  </u>	
Email <u>dmattox@indy.rr.com</u>		Person you dealt with <u>Ann</u>	
<b>3. When Did Transaction/Incident Occur?</b> Date <u>Oct 13, 2005</u> Time <u>2:00</u> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM			
<b>4. Where did the Transaction/Incident you are complaining about take place?</b>			
<input type="checkbox"/> At the firm's place of business		<input type="checkbox"/> By mail	
<input type="checkbox"/> My home		<input type="checkbox"/> By internet/email	
<input type="checkbox"/> Away from the firm's place of business (at work, convention, etc.)		<input checked="" type="checkbox"/> By telephone	
<input type="checkbox"/> Other: <u>                                  </u>			
<b>5. What was the very first contact between You and the Firm?</b>			
<input type="checkbox"/> I telephoned the firm		<input type="checkbox"/> I went to the firm's place of business	
<input type="checkbox"/> I responded to a radio/TV ad		<input checked="" type="checkbox"/> I received a telephone call from the firm	
<input type="checkbox"/> A person came to my home		<input type="checkbox"/> I responded to an offer on the Internet	
<input type="checkbox"/> I received information by email		<input type="checkbox"/> I responded to a printed advertisement	
<input type="checkbox"/> I received information in the mail		<input type="checkbox"/> Other: <u>                                  </u>	
<b>6. Do you consent to the Consumer Protection Division disclosing to the public the following?</b>			
The nature and status of your complaint and the name of the firm?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Your name?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Your phone number?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>7. Was the Transaction for?</b>			
<input checked="" type="checkbox"/> My business			
<input type="checkbox"/> My family/household			
<input type="checkbox"/> My Farm			
<b>8. How Did you Pay?</b>			
<input type="checkbox"/> Cash <input type="checkbox"/> Credit Card <input type="checkbox"/> Medicaid <input type="checkbox"/> Private Insurance			
<input type="checkbox"/> Check <input type="checkbox"/> Installment Loan <input type="checkbox"/> Medicare <input type="checkbox"/> Other <u>I did not pay anything</u>			
<b>9. Did you sign any written agreement? If YES, please attach a copy of the agreement.</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Ind	Prac	PL	MO	NJ	OA:	Inv.	Sec	File#
108	028					L. Ward		-CP-

10. Have you complained to the business?

When Oct 12 05/14

Action taken?

They just calling me

☒ Yes

☐ No

11. With what other agency have you filed this complaint?

Agency N/A

Action taken? \_\_\_\_\_

12. Have you contacted a private attorney?

☐ Yes

☒ No

13. Have you started court action? If YES, please attach a copy of all court papers.

☐ Yes

☒ No

14. Have you been sued over this issue? If YES, please attach a copy of all court papers.

☐ Yes

☒ No

15. Please describe your complaint in detail. Attach extra sheets if necessary

Please attach a copy of all papers involved (order blank, warranty, credit card receipt and statement, invoice, contract or written agreement, advertisement, cancelled check, correspondence and all other related documents.) Please print clearly or type. DO NOT INCLUDE YOUR SOCIAL SECURITY NUMBER

Copy attached

16. How would you like your complaint resolved?

Copy attached

I certify that the information in this complaint is true and accurate to the best of my knowledge. I consent to the release of any information to the Consumer Protection Division relating to this complaint. I understand that I should not include my social security number in any information submitted to the Consumer Protection Division. If I do provide my social security number, I expressly consent to the disclosure of my social security number in accordance with Indiana Code § 4-1-10-5(2).

Your Signature

Davey Matha

Date

Oct. 31, 2005

**What Will Happen Now? What Else Should You Do?**

The Consumer Protection Division will send a copy of your complaint to the respondent firm or licensed professional. This office cannot disclose your complaint against a licensed professional to the public unless this office files a disciplinary action against the licensed professional. This office represents the State of Indiana and is limited in the remedies it can pursue. You may be entitled to compensation or other rights that we cannot pursue for you. In addition to filing this complaint, you should contact a private attorney or your local small claims court.

**Mail Completed Forms to:**

Attorney General Steve Carter  
Consumer Protection Division  
Government Center South, 5<sup>th</sup> floor  
302 West Washington Street  
Indianapolis, IN 46204

317-232-6330 (Phone)

317-233-4393 (Fax)

[www.in.gov/attorneygeneral](http://www.in.gov/attorneygeneral)

#15

I received a call stating this company was selling advertising for Brownsburg & Avon High School Football calendars. I was told it was for the Booster Club fund raising. Thinking there was something that didn't sound right, I called Brownsburg High School and spoke to a lady in the athletic department. She told me they do their own advertising and did not solicit any other companies to promote football calendars, nor does the school receive money from any Booster Club Productions.

I then called Liberty Publishing and told them what the school had told me. I then told them that I was not interested in advertising with their company.

#16

I have resolved my own problem with the company by not advertising with them. I feel the company is giving a misleading statement by stating the schools have hired them to do their advertising. The company leads you to believe they are raising money for the high school athletic programs, so I feel there are some false intentions.

I am also on the Do Not Call List if this may help at all.

Booster Club Productions

P.O. Box 671

Pekin, IL 61555

X E-mail: [libertypublishing@sbcglobal.net](mailto:libertypublishing@sbcglobal.net) Xwebsite: [www.libertypublishinginc.com](http://www.libertypublishinginc.com)

1-866-683-3588 \* 309-671-9236 \* FAX #: 309-671-9237

TO: *Doug*  
COMPANY:FROM:  
DATE:

Here is the information you requested from our conversation regarding the  
*Brownfield & Pleasant* High School Posters.

The posters are 11 x 17 inches. The poster will display the school colors, and the ads will be done in color unless otherwise requested.

The center of the posters will highlight the *2006* *Football* schedule and around the edge we feature 10 - 20 leading area businesses.

We distribute up to 3,000 schedules to all of the high traffic areas in town, such as banks, restaurants, grocery stores, gas stations, realtors, etc. Also, everyone who places an ad will receive a free supply as well, once they are printed.

Below is a list of our prices. Keep in mind this is a one time charge for the entire season of coverage.

I honestly hope that we can make you a part of this year's poster.

*Ann Zino*  
Project Coordinator

X Our toll free # 1-866-683-3588 X

Ad Sizes & Prices

2.5 x 10 inches	- \$499.50
4 x 4 inches	- \$399.50
4 x 2.5 inches	- \$299.50
2.5 x 2.5 inches	- \$199.50

*Doug, call when you're ready!*

*Ann*

NOV 02 2005



# CONSUMER COMPLAINT FORM

Office of the Indiana Attorney General

ATTORNEY GENERAL OF INDIANA  
CONSUMER PROTECTION

To prevent delay, please be sure to complete **both sides** of this form in full. Please print clearly or type. **DO NOT** include your Social Security Number on this form or in any accompanying documents.

**1. YOUR INFORMATION**

☒ Mr. ☐ Mrs. ☐ Miss ☐ Ms. ☐ Dr.  
 Name N. Andrew Wagner  
 Address 5335 West 25th Street  
 City Speedway State IN  
 ZIP 46224 County Marion  
 Phone ( 317 ) 244-0236 Day  
 ( ) Evening  
 E-mail AWagner@speedway.k12.in.us

**2. WHO IS YOUR COMPLAINT AGAINST?**

Name/Firm Kyle Roach / Liberty Publishing  
 Address 866-683-3588  
309-671-9244  
809-495-9368  
 City \_\_\_\_\_ State \_\_\_\_\_  
 ZIP \_\_\_\_\_ County \_\_\_\_\_  
 Phone ( ) \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 Person you dealt with \_\_\_\_\_

**3. WHEN DID TRANSACTION/INCIDENT OCCUR?**Date 11-1-05 Time \_\_\_\_\_☐ AM ☐ PM**4. WHERE DID THE TRANSACTION/INCIDENT YOU ARE COMPLAINING ABOUT TAKE PLACE?**

- ☐ At the firm's place of business  
☐ My home  
☐ Away from the firm's place of business (work, convention, etc.)  
☐ Other \_\_\_\_\_
- ☐ By Mail  
☐ By Internet/e-mail  
☐ By telephone

**5. WHAT WAS THE VERY FIRST CONTACT BETWEEN YOU AND THE FIRM? (Check box when applicable)**

- ☒ I telephoned the firm  
☐ I responded to a TV/radio ad  
☐ A person came to my home  
☐ I received information by e-mail  
☐ I received information in the mail
- ☐ I went to the firm's place of business  
☐ I received a telephone call from the firm  
☐ I responded to an offer on the Internet  
☐ I responded to a printed advertisement  
☒ Other complaints from local businesses

**6. DO YOU CONSENT TO DISCLOSING THE FOLLOWING TO THE PUBLIC?**

The nature and status of your complaint and the name of the firm? ☐ Yes ☐ No  
 Your name? ☐ Yes ☐ No  
 Your phone number? ☐ Yes ☐ No

**7. WHAT WAS THE TRANSACTION FOR?**

- ☐ My business  
☐ My family/household  
☐ My farm

**8. HOW DID YOU PAY?**

- ☐ Cash ☐ Credit Card ☐ Medicaid ☐ Private Insurance  
☐ Check ☐ Installment Loan ☐ Medicare ☐ Other \_\_\_\_\_

**9. DID YOU SIGN ANY WRITTEN AGREEMENT? IF YES, PLEASE ATTACH A COPY OF THE AGREEMENT.**☐ Yes ☐ No

For Office Use Only:

Ind	Prac	PL	MO	NL	NJ	OA:	Inv.	Sec	File #
99	028						L. Ward		-CP-

57

**10. HAVE YOU COMPLAINED TO THE BUSINESS?**

When? \_\_\_\_\_ Action taken? \_\_\_\_\_ ☒ Yes ☐ No

**11. WITH WHAT OTHER AGENCY HAVE YOU FILED THIS COMPLAINT?**

When? \_\_\_\_\_ Action taken? \_\_\_\_\_

**12. HAVE YOU CONTACTED A PRIVATE ATTORNEY?**

☐ Yes ☒ No

**13. HAVE YOU STARTED A COURT ACTION? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.**

☐ Yes ☒ No

**14. HAVE YOU BEEN SUED OVER THIS ISSUE? IF YES, PLEASE ATTACH A COPY OF ALL COURT PAPERS.**

☐ Yes ☒ No

**15. PLEASE DESCRIBE YOUR COMPLAINT IN DETAIL. (ATTACH ADDITIONAL PAGES IF NECESSARY)**

Please attach a copy of all papers involved (order blank, warranty, credit card receipt and statement, invoice, contract or written agreement, advertisement, cancelled check, correspondence and all other related documents). Please print clearly or type. DO NOT INCLUDE YOUR SOCIAL SECURITY NUMBER.

As superintendent of Speedway Schools, I received several complaints from local merchants regarding telephone solicitations for advertisement on an athletic calendar. The caller represented that Speedway Schools Athletic Department would be receiving the proceeds from the sale of the advertisements. We have not authorized anyone to solicit money or to use the schools' name in their solicitation.

**16. HOW WOULD YOU LIKE YOUR COMPLAINT RESOLVED?**

I contacted Mr. Kyle Roach and directed him to cease solicitations using Speedway Schools name in any manner. He agreed that he would stop the solicitations. That would be a satisfactory resolution.

**17. CONSENT AND CERTIFICATION**

I certify that the information in this complaint is true and accurate to the best of my knowledge. I consent to the release of any information to the Consumer Protection Division relating to this complaint. I understand that I should not include my Social Security Number in any information submitted to the Consumer Protection Division. If I do provide my Social Security Number, I expressly consent to the disclosure of my Social Security Number in accordance with Indiana Code § 4-1-10-5(2).

H. Andrew Wagner  
Your Signature

11-2-05

Date

**WHAT WILL HAPPEN NOW? WHAT ELSE SHOULD YOU DO?**

The Consumer Protection Division will send a copy of your complaint to the respondent firm or licensed professional. This office cannot disclose your complaint against a licensed professional to the public unless this office files a disciplinary action against the licensed professional. This office represents the State of Indiana and is limited in the remedies it can pursue. You may be entitled to compensation or other rights that we cannot pursue for you. In addition to filing this complaint, you may want to consider contacting a private attorney or your local small claims court.

**MAIL COMPLETED FORMS TO:**

Attorney General Steve Carter  
Consumer Protection Division  
Government Center South, 5<sup>th</sup> floor  
302 West Washington Street  
Indianapolis, IN 46204  
PH: 317-232-6330 • FAX: 317-233-4393  
www.in.gov/attorneygeneral

Speedway Public Schools  
6336 West 26th Street  
Speedway, IN 48224  
Phone: 317-244-0236  
Fax: 317-486-4843

**School Town of  
Speedway**

# Fax

**To:** Attorney General  
Consumer Protection Division

**From:** Speedway Superintendents Office

**Fax:** 233-4393

**Date:** November 2, 2005

**Phone:**

**Pages:** 3

**Re:** Consumer Complaint



# CHURCH, CHURCH, HITTLE & ANTRIM

ATTORNEYS AT LAW

Established 1880

DOUGLAS D. CHURCH, PC  
JACK G. HITTLE, PC  
J. MICHAEL ANTRIM, PC  
MARTIN E. RISACHER, PC  
DAVID R. DAY, PC  
BRUCE M. BITTNER, PC  
LESLIE CRAIG HENDERZAHS, PC  
JORDAN D. CHURCH, PC  
AMBER D. SULLIVAN, PC  
ERIC M. DOUTHIT, PC  
ANN M. O'HARA  
SAMUEL R. ROBINSON

OF COUNSEL  
MANSON E. CHURCH

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

WWW.CCHALAW.COM

NOBLESVILLE OFFICE:  
938 CONNER STREET, P.O. BOX 10  
NOBLESVILLE, INDIANA 46061  
TELEPHONE 317-773-2190  
FAX 317-773-5320

FISHERS OFFICE:  
12514 REYNOLDS DRIVE, SUITE B  
FISHERS, INDIANA 46038  
TELEPHONE 317-773-2190  
FAX 317-572-1609

December 5, 2005

The Honorable Steve Carter  
Attorney General of Indiana  
Consumer Protection Division  
Attn: Eileen Palmer  
Government Center South, 5th Floor  
302 W. Washington Street  
Indianapolis, IN 46204

RE: LIBERTY PUBLISHING

Dear Ms. Palmer:

Please be advised that the undersigned and this law firm represent MSD Warren Township Schools ("Warren Schools") with regards to a claim of potential advertising fraud on behalf of Liberty Publishing, Inc. ("Liberty") In October of 2005, Warren Schools requested that our firm investigate certain activities by a company identified as "Booster Club Productions" that our client believed involved the unauthorized use of name of Warren Schools in the solicitation of advertising. Based upon information it had received, our client had reason to believe that this business was involved in fraud and deception. We were further requested to take all necessary action to pursue this company if our investigation revealed fraud and the misuse of our client's name.

The undersigned and other members of this law firm undertook such an investigation. During the course of this investigation, the undersigned and other members of this law firm spoke with a number of Warren Schools' officials and owners of businesses solicited by "Booster Club Productions". We also reviewed a poster printed by the business and sent to one of the advertisers. The undersigned also spoke to a representative of the business at a number provided by the one of the advertisers. Internet research revealed further information about this business.

The advertisers with whom the undersigned spoke indicated that they were solicited by telephone from a representative of a business identified as "Booster Club Productions." This representative represented that he was soliciting businesses to purchase advertising on posters to be printed displaying the schedules of Warren Schools'

**RECEIVED**

DEC 07 2005

ATTORNEY GENERAL OF INDIANA  
CONSUMER PROTECTION

athletic teams. The representative further indicated that the advertising was a fund-raising effort designed to benefit Warren Schools.

One of the persons who purchased advertising on a poster, Brenda Stailey, 4455 Southport Crossing Way, Indianapolis, Indiana 46236 (317-881-3700), indicated that she had purchased advertising for a poster displaying a football schedule of Warren Central High School from a company identified as "Booster Club Productions". Ms. Stailey said that she was inducted to purchase such advertising because she was informed that it was fundraiser designed to benefit Warren Schools.

Ms. Stailey also advised the undersigned that she had previously purchased advertising from a company known as "US County Map Services" based upon representations that she would be the only realtor on the ad. She later learned that several of her competitors were also on the ad. She additionally was informed that "US County Map Services" and "Booster Club Productions" were related companies in some fashion. Ms. Stailey advised the undersigned that she would willingly cooperate in any legal action initiated by Warren Schools or any other party against these companies.

Based upon information received from Warren Schools and from Internet research, the undersigned called "Booster Club Productions" at 1-866-683-3588. The undersigned requested to speak to the owner of the business. Thereafter, the undersigned had a conversation with a person who identified himself as Rodney Lindsey.

Mr. Lindsey advised that undersigned that he was an owner of a corporation named Liberty Publishing, Inc. According to Mr. Lindsey, Liberty solicited advertisement from businesses under two names, "Booster Club Productions" and "US County Map Services". "Booster Club Productions" solicited advertising on sports calendars. "US County Map Services" solicited advertising for display on county maps. Liberty solicited businesses throughout the United States.

Mr. Lindsey indicated that his company's Tele-marketers were careful not to make any misrepresentations regarding the nature of the advertisements because a previous company in which he was involved that did the same kind of advertising got "into legal trouble". Mr. Lindsey further stated that sometime there are some "bad apples" who work for his company that his company takes corrective action if it finds out misrepresentation has taken place.

Mr. Lindsey stated that his company had a very good relationship with most of the schools who approved of his work. Mr. Lindsay stated that Liberty always made a contribution to every school whose athletic teams were featured in advertising. Mr. Lindsey promised to send me documentation regarding contributions made to Warren Schools but did not do so. (Warren Schools found a check in the amount of \$50 sent by "Booster Club Productions" in May of 2005, that it deposited in the mistaken belief that it came from the schools in-house Booster Club")

Mr. Lindsey further indicated that his company would refrain from soliciting advertisements from businesses in the school district if the school so requested in writing. By a letter dated October 27, 2005, the undersigned sent a detailed "cease and desist" letter to Mr. Lindsey and Liberty Publishing. To date, there has been no reply.

Subsequent to the sending of this letter, the undersigned learned from an advertiser on the 2005 High School Football schedule, Denita Schaeffer (Just Pizza) that their business had been solicited again by "Booster Club Productions". It is unclear whether this solicitation actually took place after Lindsey received the "cease and desist" letter.

Warren School officials have indicated to the undersigned that Internet research reveals that Liberty Publishing has been the subject of a number of investigations and actions in the past related to fraud and deception in advertising. Warren Schools is very interested in insuring that its name is not used in the future in advertising without its prior approval. Warren Schools also has good reason to believe that Liberty has solicited businesses throughout the state of Indiana using the same tactics and desires that action be taken to protect other businesses and school corporations from future acts of fraud and deception.

In closing, the undersigned respectfully requests that the Indiana Attorney General conduct a thorough and comprehensive investigation of the practices of Liberty Publishing and its affiliates. If this investigation reveals the Mr. Lindsey or Liberty Publishing has engaged in fraud, deception or violated any Indiana laws with regards to its practices that the Indiana Attorney General initiate legal action designed to punish all such violations and the repayment of all funds fraudulently or illegally obtained. The undersigned and this law firm are prepared to assist the Indiana Attorney General in any effort undertaken as a result of the filing of this complaint.

Finally, enclosed you will find the following:

1. An original Consumer Complaint Form signed by Denita Schaeffer along with a written supplemental statement.
2. A copy of a poster printed by Liberty Publishing displaying advertisements and the 2005 football schedule for Warren Central High School.
3. A copy of a poster printed by Liberty Publishing displaying advertisements and the 2005 basketball schedule for Warren Central High School.
4. Copies of invoices to Just Pizza from Booster Club Productions.
5. A "To Whom It May Concern" letter from Booster Club Productions stating "(w)e would like to have as many people attend the games as possible."

6. A letter from Douglas Seagrave, the Athletic Director of Warren Central High School.

7. A true and accurate copy of a "cease and desist" letter sent to Liberty Publishing in October of 2005 on behalf of Warren Schools.

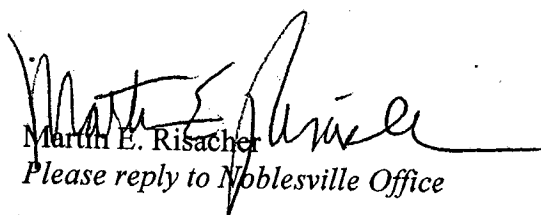
8. Some information received through Internet research.

It is believed that Liberty received approximately \$4,000 in advertising revenue associated with the enclosed poster yet sent posters only to those 13 advertisers listed on the poster while making a "donation" of only \$50 to Warren Schools.

Please do not hesitate to contact me if you have any questions concerning this letter and/or complaint.

Sincerely yours,

CHURCH, CHURCH, HITTLE & ANTRIM

  
Martin E. Risacher  
Please reply to Noblesville Office

MER/eaw  
Enclosures

cc: Douglas Seagrave



RECEIVED

DEC 07 2005

STEVE CARTER  
Indiana Attorney GeneralCONSUMER COMPLAINT FORM  
ATTORNEY GENERAL OF INDIANA  
CONSUMER PROTECTION

To prevent delay, please be sure to complete both sides of this form in full. Please print clearly or type. DO NOT include your Social Security Number on this form or in any accompanying documents.

## 1. Your Information

☐ Mr. ☐ Mrs. ☐ Miss ☒ Ms. ☐ Dr.

Name Denita SchaeferAddress 2140 Mithoeffer RdCity Indianapolis State IndZip 46229 County MarionPhone (317) 897-5010 Day( ) Evening

Email \_\_\_\_\_

## 2. Who is Your Complaint Against?

Name/Firm Liberty Publishing, IncAddress 616 AbingtonCity Peoria State IllZip 61603 County \_\_\_\_\_Phone (866) 683-3588

Email \_\_\_\_\_

Person you dealt with \_\_\_\_\_

## 3. When Did Transaction/Incident Occur?

Date 12/04 & 5/05 Time \_\_\_\_\_☐ AM ☐ PM

## 4. Where did the Transaction/Incident you are complaining about take place?

☐ At the firm's place of business☐ My home☐ Away from the firm's place of business (at work, convention, etc.)☐ Other: \_\_\_\_\_☐ By mail☐ By internet/email☒ By telephone

## 5. What was the very first contact between You and the Firm?

☐ I telephoned the firm☐ I responded to a radio/TV ad☐ A person came to my home☐ I received information by email☐ I received information in the mail☐ I went to the firm's place of business☒ I received a telephone call from the firm☐ I responded to an offer on the Internet☐ I responded to a printed advertisement☐ Other: \_\_\_\_\_

## 6. Do you consent to the Consumer Protection Division disclosing to the public the following?

The nature and status of your complaint and the name of the firm?

Your name?

Your phone number?

☒ Yes ☐ No☒ Yes ☐ No☐ Yes ☒ No

## 7. Was the Transaction for?

☒ My business☐ My family/household☐ My Farm

## 8. How Did you Pay?

☐ Cash☒ Credit Card☐ Medicaid☐ Private Insurance☒ Check☐ Installment Loan☐ Medicare☐ Other \_\_\_\_\_

## 9. Did you sign any written agreement? If YES, please attach a copy of the agreement.

☐ Yes☒ No

Ind	Prac	PL	MO	NL	NJ	OA	Inv.	Sec	File#
99	28						Terry		
									-CP-

10. Have you complained to the business?

When \_\_\_\_\_

Action taken? \_\_\_\_\_

☐ Yes

☒ No

11. With what other agency have you filed this complaint?

Agency \_\_\_\_\_

Action taken? \_\_\_\_\_

12. Have you contacted a private attorney?

☐ Yes

☒ No

13. Have you started court action? If YES, please attach a copy of all court papers.

☐ Yes

☒ No

14. Have you been sued over this issue? If YES, please attach a copy of all court papers.

☐ Yes

☒ No

15. Please describe your complaint in detail. Attach extra sheets if necessary

Please attach a copy of all papers involved (order blank, warranty, credit card receipt and statement, invoice, contract or written agreement, advertisement, cancelled check, correspondence and all other related documents.) Please print clearly or type. DO NOT INCLUDE YOUR SOCIAL SECURITY NUMBER

16. How would you like your complaint resolved?

We would like a full refund

I certify that the information in this complaint is true and accurate to the best of my knowledge. I consent to the release of any information to the Consumer Protection Division relating to this complaint. I understand that I should not include my social security number in any information submitted to the Consumer Protection Division. If I do provide my social security number, I expressly consent to the disclosure of my social security number in accordance with Indiana Code § 4-1-10-5(2).

Dan Schaefer  
Your Signature

11/29/05  
Date

**What Will Happen Now? What Else Should You Do?**

The Consumer Protection Division will send a copy of your complaint to the respondent firm or licensed professional. This office cannot disclose your complaint against a licensed professional to the public unless this office files a disciplinary action against the licensed professional. This office represents the State of Indiana and is limited in the remedies it can pursue. You may be entitled to compensation or other rights that we cannot pursue for you. In addition to filing this complaint, you should contact a private attorney or your local small claims court.

**Mail Completed Forms to:**

Attorney General Steve Carter  
Consumer Protection Division  
Government Center South, 5<sup>th</sup> floor  
302 West Washington Street  
Indianapolis, IN 46204

317-232-6330 (Phone)

317-233-4393 (Fax)

[www.in.gov/attorneygeneral](http://www.in.gov/attorneygeneral)

Revised: 232593.2003.01

To Whom It May Concern:

My husband and I own a small restaurant business located at 2140 Mitthoeffer Road, Indianapolis, Indiana. Sometime this last summer, my husband was solicited by a representative of a company called "Booster Club Productions" regarding the purchase of advertising to be placed upon a poster displaying the football schedule of Warren Central High School that would be disseminated widely to businesses in the Warren Central school district area.

The person soliciting on behalf of "Booster Club Productions" indicated that Warren Township Schools had approved the advertisement and led me to believe that a significant portion of the advertising fees paid by us would be donated to the school. In other words, we were led to believe that the fees we were to send to the company for this advertising was only partly for advertising and that the majority of the fee would be donated to Warren Schools. Based upon the representation that Warren Schools had approved the advertising and that a sizable portion of the fee would be donated to the Warren Schools, we sent the company a check for \$300.

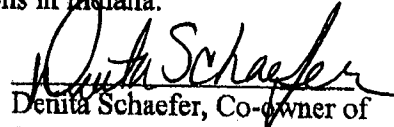
Enclosed with this complaint is a copy of the poster that we received containing our advertisement and those of other businesses located in the same general geographic area. After receiving the poster, I have learned from representatives of Warren Schools that Warren Schools has never heard of "Booster Club Productions", did not approve of this advertising, had no records of receiving a "sizable check" from "Booster Club Productions".

Based upon information that we have received from several sources, we have good reason to believe that "Booster Club Productions" is a pseudo-name for a corporation named Liberty Publishing, Inc operating from a location in Peoria, Illinois. Liberty Publishing reportedly engages in the solicitation of small business like ours throughout the United States by misrepresenting its relationship with local school corporations in order to induce businesses to buy their advertising.

We further have good reason to believe that the poster printed by "Booster Club Productions"/Liberty Publishing was disseminated only to the 13 businesses that apparently bought advertising. Thus, Liberty Publishing received approximately \$4,000 to print 13 posters !!! Since learning of the actual operations of Liberty Publishing, we were again solicited by "Booster Club Productions" in October of this year. We declined to purchase any more advertising.

We would like to get our money back and also we would request that the Attorney General prosecute this company and shut down its operations in Indiana.

Date: 11/29/05

  
Denita Schaefer, Co-owner of  
Just Pizza

# WARREN CENTRAL HIGH SCHOOL BASKETBALL 05-06

## Joyful Hearts Day Care

A Ministry of Cumberland Christian Church  
12032 E. Washington Street



894-3796

Ages 12 months thru kindergarten  
Monday - Friday 6:30 am - 6:00 pm

joyfulheartdaycare@hotmail.com

**ESC**  
EAST SIDE  
COMPUTERS

EAST SIDE

9451 East Washington St.  
Indianapolis, IN 46229  
(317) 472-4795  
sales@eastsidecomputers.com  
www.eastsidecomputers.com

**KEN FISHER & ASSOCIATES**  
REALTORS • DISCOUNT BROKERS • OWNER SE

JOANNE FISHBURN  
REALTOR

[www.jfishburn.com](http://www.jfishburn.com)

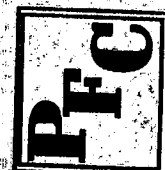
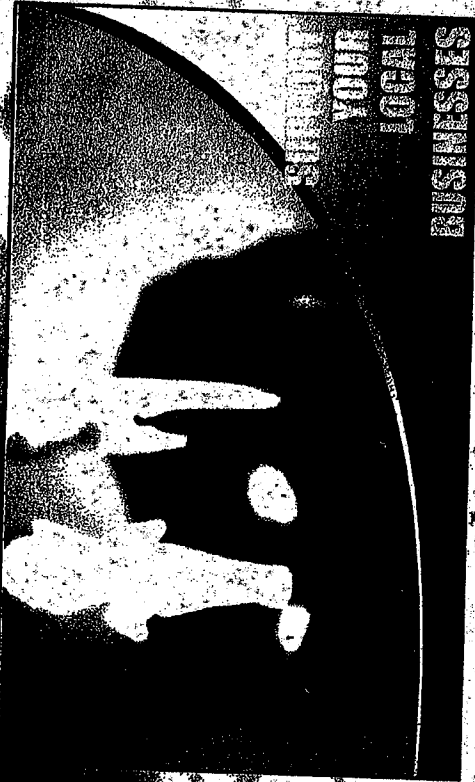
Home Office: (317) 890-1245

Office: (317) 845-9511

6959 Hillisdale Court • Indianapolis, IN 46255

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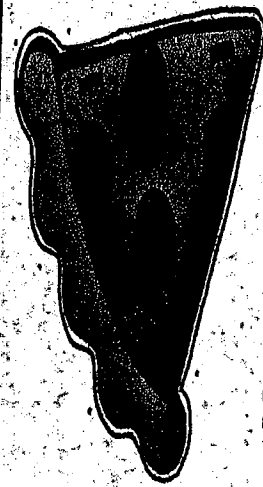




**EARL H KOLLOCK, JR.**  
MANAGER

**PERSONAL FINANCE COMPANY LLC.**  
10421 EAST WASHINGTON STREET  
INDIANAPOLIS, IN 46229  
(317)-899-1497  
FAX (317)-899-1713

**JUST PIZZA**



**Mention this ad  
and get Pizzas  
2 for the price of 1**



**KEEP IT SIMPLE**

**Tax & Bookkeep  
for Business and**

**JOANNE FIS**

**(317) 899**

**E-mail: jsuffish@aol**

**WARREN CENTRAL  
HIGH SCHOOL  
DEPARTMENT OF ATHLETICS**  
9500 E. 16<sup>TH</sup> ST.  
INDIANAPOLIS, IN 46229  
FAX: 317-869-4700



**DOUG SEAGRAVE, ATHLETIC DIRECTOR**  
**317-869-4676**

Dear Ms. Palmer:

Please be advised that the undersigned and this law firm represent MSD Warren Township Schools ("Warren Schools") with regards to a claim of potential advertising fraud on behalf of Liberty Publishing, Inc. ("Liberty"). In October of 2005, Warren Schools requested that our firm investigate certain activities by a company identified as "Booster Club Productions" that our client believed involved the unauthorized use of name of Warren Schools in the solicitation of advertising. Based upon information it had received, our client had reason to believe that this business was involved in fraud and deception. We were further requested to take all necessary action to pursue this company if our investigation revealed fraud and the misuse of our client's name.

The undersigned and other members of this law firm undertook such an investigation. During the course of this investigation, the undersigned and other members of this law firm spoke with a number of Warren Schools' officials and owners of businesses solicited by "Booster Club Productions". We also reviewed a poster printed by the business and sent to one of the advertisers. The undersigned also spoke to a representative of the business at a number provided by the one of the advertisers. Internet research revealed further information about this business.

The advertisers with whom the undersigned spoke indicated that they were solicited by telephone from a representative of a business identified as "Booster Club Productions." This representative represented that he was soliciting businesses to purchase advertising on posters to be printed displaying the schedules of Warren Schools' athletic teams. The representative further indicated that the advertising was a fund-raising effort designed to benefit Warren Schools.

One of the persons who purchased advertising on a poster, Brenda Stailey, 4455 Southport Crossing Way, Indianapolis, Indiana 46236 (317-881-3700), indicated that she had purchased advertising for a poster displaying a football schedule of Warren Central High School from a company identified as "Booster Club Productions". Ms. Stailey said that she was inducted to purchase such advertising because she was informed that it was fundraiser designed to benefit Warren Schools.

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**ATHLETICS**

Based upon information received from Warren Schools and from Internet research, the undersigned called "Booster Club Productions" at 1-866-683-3588. The undersigned requested to speak to the owner of the business. Thereafter, the undersigned had a conversation with a person who identified himself as Rodney Lindsey.

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Subsequent to the sending of this letter, the undersigned learned from an advertiser on the 2005 High School Football schedule, Denita Schaeffer (Just Pizza) that their business had been solicited again by "Booster Club Productions". It is unclear whether this solicitation actually took place after Lindsey received the "cease and desist" letter.

Warren School officials have indicated to the undersigned that Internet research reveals that Liberty Publishing has been the subject of a number of investigations and actions in the past related to fraud and deception in advertising. Warren Schools is very interested in insuring that its name is not used in the future in advertising without its prior approval. Warren Schools also has good reason to believe that Liberty has solicited businesses throughout the state of Indiana using the same tactics and desires that action be taken to protect other businesses and school corporations from future acts of fraud and deception.



In closing, the undersigned respectfully requests that the Indiana Attorney General conduct a thorough and comprehensive investigation of the practices of Liberty Publishing and its affiliates. If this investigation reveals the Mr. Lindsey or Liberty Publishing has engaged in fraud, deception or violated any Indiana laws with regards to its practices that the Indiana Attorney General initiate legal action designed to punish all such violations and the repayment of all funds fraudulently or illegally obtained. The undersigned and this law firm are prepared to assist the Indiana Attorney General in any effort undertaken as a result of the filing of this complaint.

Finally, enclosed you will find the following:

1. An original Consumer Complaint Form signed by Denita Schaeffer;
2. A copy of a poster printed by Liberty Publishing displaying advertisements on a football schedule of Warren Central High School;
3. A letter from Douglas Seagrave, the Athletic Director of Warren Central High School;
4. A true and accurate copy of a "cease and desist" letter sent to Liberty Publishing in October of 2005; and
5. Some information received through Internet research.

It is believed that Liberty received approximately \$4,000 in advertising revenue associated with the enclosed poster yet sent posters only to those 13 advertisers listed on the poster while making a "donation" of only \$50 to Warren Schools.

Please do not hesitate to contact me if you have any questions concerning this letter and/or complaint.



**Booster Club Productions**

P.O. Box 671

Pekin, IL 61555

1-866-683-3588

Fax #309-683-3595

E-mail boosterclubproductions@yahoo.com

**Invoice**

Date	Invoice #
12/29/2004	6650

**PAID**

Bill To
Just Pizza Brian Schaefer 2140 N. Mitthoeffer Rd. Indianapolis, IN. 46229

Terms	Due Date	Rep
Paid	12/29/2004	JD

Description	Amount
Warren Central High School Football Schedule -5% discount of \$13.00 = \$247.00 charged to American Express	260.00
Thank you for your business!	
<b>Total</b> \$260.00	

Please make checks payable to Booster Club Productions, be sure to add invoice number on your payment.

**Balance Due**

\$0.00

**Booster Club Productions**

P.O. Box 671  
Pekin, IL 61555  
1-866-683-3588

Fax #309-683-3595

E-mail boosterclubproductions@yahoo.com

**Invoice**

Date	Invoice #
5/4/2005	12278

**PAID**

Bill To
Just Pizza Brian Schaefer 2140 N. Mitthoeffer Rd. Indianapolis, IN. 46229 317-897-5010

Terms	Due Date	Rep
Paid	5/4/2005	SI

Description	Amount
Warren Central IN High School Basketball Schedule -5% discount of \$13.00 = \$237.00 charged to American Express	250.00
Thank you for your business!	
<b>Total</b>	<b>\$250.00</b>

Please make checks payable to Booster Club Productions, be sure to add invoice number on your payment.

<b>Balance Due</b>	<b>\$0.00</b>
--------------------	---------------

*paid w/ amer. EXP.*

9451 East Washington St.  
Indianapolis, IN 46229  
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sales@eastsidecomputers.com  
www.eastsidecomputers.com

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**Office: 317-898-0525**

**Fax: 317-898-0535**

**330 S. Mitthoefer  
Indianapolis, IN 46229**

**EARL H KOLLOCK, JR**  
**MANAGER**

**PERSONAL FINANCE COMPANY LLC.  
10421 EAST WASHINGTON STREET  
INDIANAPOLIS, IN 46229  
(317)-899-1497  
FAX (317)-899-1713**

# THE ATHERHILL

boerist churst

**THE UNIVERSITY OF CHICAGO PRESS**

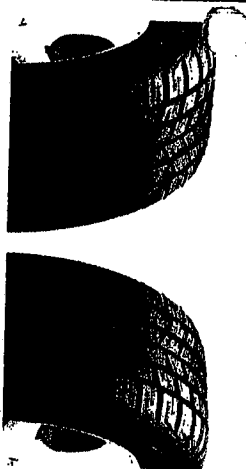
7.00

**Potters**  
Paint shop

*A. Phases: Introduction, Inquiry, Analysis, Problem Solving, Evaluation, and Self-reflection. Inquiry Day: Addressing the Question: "What is the Problem?"*



**Discount Tires Inc.**  
10610 E Washington St  
Indianapolis, IN 46229  
(317)-899-1815



**JUST PIZZA**

Mention this ad  
and get Pizzas  
2 for the price of 1

**897-5010**

**PARADISE TANNING**



**317.898.2030**

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**898-3588**

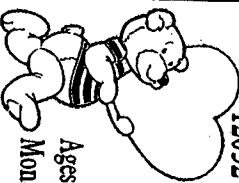
Mention This  
Ad  
Receive our Warren  
Central  
Studio Fee Special.

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www.pattersonstudio.com  
317-899-9190  
Classed Monday

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# *Booster Club Productions*

*"Specializing in your advertising needs"*

To Whom it may concern:

Would you please display this poster in your store front window. We would like to have as many people attend the games as possible. If you need more posters feel free to contact us at 1-866-683-3588

P.O. Box 671  
Pekin, IL 61555  
1-866-683-3588 \* 309-671-9236  
fax 309-671-9237  
E-mail: [libertypublishing@sbcglobal.net](mailto:libertypublishing@sbcglobal.net)  
[www.libertypublishinginc.com](http://www.libertypublishinginc.com)

# CHURCH, CHURCH, HITTLE & ANTRIM

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LESLIE CRAIG HENDERZAHNS, PC  
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FAX 317-773-5320

FISHERS OFFICE:  
12514 REYNOLDS DRIVE, SUITE B  
FISHERS, INDIANA 46038  
TELEPHONE 317-773-2190  
FAX 317-572-1609

October 27, 2005

Liberty Publishing, Inc.  
Attn: Rodney Lindsey  
616 Abington  
Peoria, IL 61603

**FILE COPY**

Dear Mr. Lindsey:

Please be advised that the undersigned and this law firm represent the interests of MSD of Warren Township Schools, Indianapolis, Indiana. It is my understanding that you own a controlling interest in Liberty Publishing, Inc. It is also my understanding that Liberty Publishing does business under the names of Booster Club Programs and US County Map Association.

It has come to the attention of my client that your company for several years has solicited businesses located in the same general geographic area as my client to purchase advertisements to be placed upon posters bearing the athletic schedules of various Warren Township schools.

As you know, you have no formal agreement with my client regarding your use of my client's name to market your advertisements. Furthermore, as you also know, my client has never provided you with permission to use its name for the marketing of your advertisements.

Contact with representatives of businesses solicited by you indicate that that they understood based upon representations made by your company's agents that a significant portion of their payments to you were donated Warren Schools. The records of Warren Schools indicate that it received a check from Booster Productions in the amount of \$50 in May of 2005 that Warren Schools mistakenly believed was a donation to the Booster Club. It is now assumed that this check actually came from you.

If the above facts are true, your company has engaged in fraud and deception regarding the use of the name of Warren Schools to market advertising. My client considers that your misuse of its name has caused considerable damage to its reputation.

You are therefore hereby advised that if Liberty Publishing, Inc. and/or any of its affiliates, including but not limited to, Booster Club Programs and/or U.S. County Map Association, does not immediately cease and desist from the reference to or the use of the name of Warren Schools in any way associated with your marketing of advertisements, the printing of posters or the printing of any other documents, my client will initiate litigation to enforce all legal and equitable remedies available under the law to stop your practices.

Sincerely yours,

CHURCH, CHURCH, HITTLE & ANTRIM



Martin E. Risaehner

*Please reply to Noblesville Office*

MER/eaw

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liberty publishing

Pekin, IL

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What e.g., pizza

Where e.g., Poughkeepsie, NY

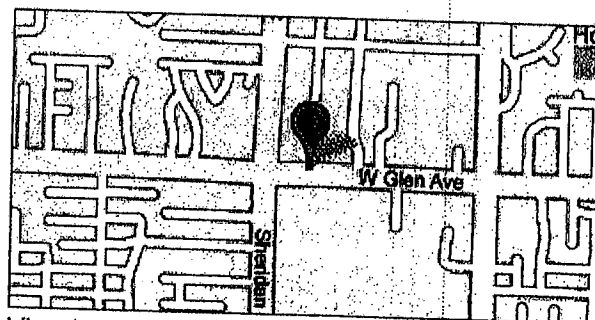
**Local****Liberty Publishing Inc**

(309) 683-3588

(866) 683-3588

1227 W Glen Ave # B

Peoria, IL 61614

12 mi N - [Directions](#)[View Larger Map](#)

liberty publishing

Pekin, IL

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What e.g., pizza

Where e.g., Poughkeepsie, NY

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**KURT A. WEBBER, P.C.**  
**ATTORNEY AT LAW**

11805 N. PENNSYLVANIA ST. SUITE 104  
CARMEL, INDIANA 46032

TELEPHONE: (317) 891-0616  
FAX: (317) 891-0453

February 16, 2006

Terry Tolliver  
Deputy Attorney General  
Office of the Indiana Attorney General  
Consumer Protection Division  
Indiana Government Center South, Fifth Floor  
302 West Washington Street  
Indianapolis, IN 46204-2770

Re: Liberty Publishing, Inc.  
Civil Investigative Demand 05-038

Dear Mr. Tolliver:

Liberty Publishing, Inc. d/b/a Booster Club Productions ("Liberty") reviewed your letter to me dated February 14, 2006, concerning the Civil Investigative Demand 05-038 (the "Demand") issued by the Office of the Indiana Attorney General ("AG"). The AG has cited no authority rebutting his clear lack of authority to proceed under the Indiana Deceptive Consumer Sales Act (the "DCSA"), I.C. § 24-5-0.5-1, et seq. Accordingly, Liberty's unwillingness to incur additional expense to respond to the unlawful Demand cannot possibly be considered "bad faith" as suggested by your letter. After volunteering information and then being accused of bad faith, Liberty will understandably, but reluctantly, consider moving for attorney's fees and costs against the AG under Indiana Code § 34-52-1-1 if an action is prosecuted against Liberty under the DCSA.

Sincerely,

  
Kurt A. Webber

cc: Michael D. Efting

EXHIBIT

D